

REMARKS

This Amendment addresses the issues outstanding from the final Office Action dated May 31, 2006. Applicants respectfully request favorable reconsideration of this application, as amended.

Claims 1-10 are pending, of which Claims 1-3, 6, 9 and 10 have been amended for clarity of expression and as discussed below.

In the Office Action, Claims 1-5 were rejected under 35 U.S.C. § 102(e) over Thelin. Claim 6 was rejected under 35 U.S.C. § 103 over Thelin in combination with Harari, and Claims 7-10 were rejected under 35 U.S.C. § 103 over Thelin in combination with Schwarz.

Without acceding to the outstanding rejections, Claim 1 has been amended to more particularly recite certain distinctive features of Applicants' invention. In particular, Claim 1 now recites, *inter alia*, that the storage device substitutes an area during an idle state when the error state is detected to be a critical state indicating that the area is usable but in a critical condition requiring substitution, and substitutes the area immediately when the error state is detected to be a limit state indicating that the area is not usable., This

combination of features is neither taught nor suggested by the prior art of record.

For example, Thelin describes a disk drive write verify operation that may be performed by a background task when the disk drive is idle. See Thelin, col. 10, lines 14-17. However, Thelin does not teach or suggest substituting an area during an idle state *when the error state is detected to be a critical state indicating that the area is usable but in a critical condition requiring substitution*. Neither Harari nor Schwarz remedies the deficiency of Thelin. Therefore, Claim 1, as well as Claims 2-10 which depend therefrom, distinguish patentably from the applied references.

Accordingly, Applicants respectfully request that the outstanding rejections be withdrawn and that this application be passed to issue.


An early Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3844-8802US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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